

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office APR 12 1994

Returned to applicant for correction JUL 18 1994

Corrected application filed _____

Map filed AUG 30 1994

The applicant **U.S. Fish and Wildlife Service**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Cave Spring (Spring 139)**
2. The amount of water applied for is **8000 gpd** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **other use. Quasi Municipal**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks") **Quasi Municipal**
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **SW¼ SE¼, S.24, T27N, R57E, S 64° 56' 58"E 1620 feet to the SE corner S.24, T27N, R57E., M.D.B.&M.**
6. Place of Use **SE¼ SE¼, S.24, T27N, R57E., M.D.B.&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Submersible pump, storage tank and distribution lines.**
9. Estimated cost of works **completed.**
10. Estimated time required to construct works **completed.**
11. Estimated time required to complete the application of water to beneficial use **completed.**
12. Remarks: **See attached**

By **s/Paul A. Rauch**
U.S. Fish and Wildlife Services
911 NE 11th Avenue
Portland, Oregon 97232-4181

Compared ag/ sam ag/ sam

Protested 1/17/95 by: Board of County Commissioners, County of Elko

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the 0.18 c.f.s. herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued with the understanding that the final disposition of water use is dependent upon the States adjudication and the final court decree in the Matter of the Determination of the Relative Rights in and to the Waters of Ruby and Clover Valleys, Elko and White Pine Counties, Nevada.

This permit is issued for existing structures as described in said permit and for associated fire protection purposes.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.18 cubic feet per second, but not to exceed 2.92 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

October 22, 2005

Proof of completion of work shall be filed on or before:

November 22, 2005

Water must be placed to beneficial use on or before:

October 22, 2006

Proof of the application of water to beneficial use shall be filed on or before:

November 22, 2006

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 22nd day of October, A.D. 2004



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____

Item No. 12

Domestic supply for five residences, one seasonal bunkhouse, one office building, and one shop.

DISCLAIMER: By filing this application to appropriate waters of the state of Nevada, the U.S. Fish and Wildlife Service does not hereby waive any claim to federal reserved water rights or otherwise diminish or supplant any claims to water made in the adjudication of the waters of Ruby Valley, Elko and White Pine Counties, State of Nevada (Matter of the Determination of the Relative Rights in and to the Waters of Ruby Valley, Elko and White Pine Counties, Nevada). Notice in this matter was filed on January 17, 1983. Nor should the filing of these applications by the U.S. Fish and Wildlife Service be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings that constitute a "suit" under the McCarran Amendment, 43 U.S.C. § 666.